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EXAMINER	
SAIN, GAUTAM	

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/976,818	KOBAYASHI, HIRONARI	
	Examiner	Art Unit	
	Gautam Sain	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 April 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1) This action is responsive to communications: amendment filed 4/25/05, to the original application filed 10/2001.

2) Claims 1-19 are pending and rejected under 35 U.S.C. 103 (see rejections below for details).

3) The rejection of claims 12, 13, 14 are maintained under 35 U.S.C. 101.

4) Claims 1, 7, 9, 12, 13, 14, 18, and 19 are independent claims.

Claim Rejections - 35 USC § 101

5) 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5-1) Claims 12, 13 and 14 are invention that are directed to non-statutory subject matter under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 12, 13, 14 set forth non-functional descriptive material but fail to set forth physical structures or materials comprising of hardware or a combination of hardware and software within the technological arts (ie., a computer) to produce a "useful, concrete and tangible" result. For example, claims 12-14, the "method" reads on a mental construct/abstract idea or at best a computer program, per se. The language such as "storage device", etc., does not clearly define structural elements and are not tangibly embodied on a computer readable medium. The fact that the respective dependant claims 15, 16 and 17 state "program is run on a computer" implies that the methods of 12, 13 and14 can be executed without the use of a computer. Claims 12,

13 and 14 are interpreted as software per se, abstract ideas or mental construct and not tangibly embodied on a computer readable medium or hardware.

Claim Rejections - 35 USC § 103

6) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6-1) Claims 1, 2, 3, 6, 12, 15,18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duvall et al (US 6166731, filed Sep 24, 1997), in view of Srikantan et al (US 6857130, provisional filed on Apr 8, 2000).

Regarding claim 1, 18, Duvall teaches

a first storage device that stores (ie., sound/visual database for sound data)(col 5,lines 60-65; col 6,line 16; fig 7, item 715 shows a datastore for sound data);

a second storage device that stores track data foreach of a pïurality of tracks, the track data for each of the tracks including informatlon for assoclating at least one of the partial sound data, stored in said first storage device, with the track and information for managing a manner of reproduclng the partial sound data associated with the track (ie., sound track data on a disk, necessary to play back sound parameters specified in a list; fig 6 shows a GUI for track data management)(col 3,lines 4-12); and

a processor coupied with said first storage device and said second storage device. said processor being adapted to (ie., processor)(col 5,lines 66)

perform an editing operation for edlting the track data for a desired one of the tracks, in accordance wlth an editing instruction (ie., editing operations for tracks; GUI)(col 4, lines 60-67; 25-36); and

perform control to store the edited track data for the desired track in said second storage device while preserving the track data before the editing (ie., GUI allows engineers to edit tracks on separate stations on a network; examiner broadly interprets second storage device as an storage device other than the one that stores sound data)(col 4,l ine 65-col 5, line 5).

Duval does not expressly teach, but Srikantan teaches

A plurality of sound data (ie., multiple track data for sound)(col 1, line 67); and the currently amended portions of claim 1 dealing with track history data and reproduction timing of the designated partial sound data on the second storage device (ie., a resynchronization media during streaming for multiple tracks with a time index of the program such that when the media stream is out of synch when the current media time differs from the media time index of media of multiple tracks, then the server attempts to resynchronize the media tracks to a later time index from the new time index)(col 3, lines 25-37)(with a broad reasonable interpretation, Examiner considers audio metadata with sequence of time information for a track as equivalent to history of the track).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Duval to include a resynchronization media during streaming for multiple tracks as taught by Srikantan, providing the benefit of maintaining

synchronization between tracks to that the appropriate media track is played (Srikantan, col 1, lines 50-55).

Regarding claim 2, Duvall teaches wherein the editing operation performed by said processor for editing the track data includes An sound data editing a reproduction style of the at least one partial sound data associated with the track through a change, addition or deletion of data (ie., "clear" operation replaces as an overwrite operation of sound tracks track)(col 4, lines 41-45).

Regarding claim 3, Duvall teaches wherein said processor is further adapted to, in accordance with the track data stored in said second storage device, perform control reproduce the partial sound data corresponding to the track data from said first storage device (ie., copying and pasting sound onto a track on another station)(col 2, lines 25-30).

Regarding claim 6, Duvall teaches when an undoing instruction is given, the track data before the editing stored in said second storage device Is used as track data of the track in place of the edited track data (ie., examiner broadly interprets undo operation as another editing operation similar to cut, copy, paste, ... and it is well known in the art of editing to have undo instructions in editors (ie., and MS-Word word processor, Wordperfect, etc.) have undo operation in the edit tab; Duvall teaches the Edit tab on the GUI)(col 4, lines 27-35; fig 6).

Regarding claim 12, Duvall teaches a step ofstoring sound data in a first storage

device, the sound data stored in said first storage device being managed dividedly as one or more partial sound data (ie., sound/visual database for sound data)(col 5,lines 60-65; col 6,line 16; fig 7, item 715 shows a datastore for sound data);

a step of storing track data in a second storage device for each of a piuraiity of tracks, the track data for each of associating at least one of the partial sound data, stored in said first storage device, with the track and information for managlng a manner of reproducing the partial sound data associated with the track (ie., sound track data on a disk, necessary to play back sound parameters specified in a list; fig 6 shows a GUI for track data management)(col 3,lines 4-12); and

a step of editing the track data for a desired one of the tracks, in accordance with an editing instruction (ie., editing operations for tracks; GUI)(col 4, lines 60-67; 25-36); and

a step of performing control to store the edited track data for the desired track in said second storage device while preserving the track data before the editing (ie., GUI allows engineers to edit tracks on separate stations on a network; examiner broadly interprets second storage device as an storage device other than the one that stores sound data)(col 4,l ine 65-col 5, line 5).

Duval does not expressly teach, but Srikantan teaches

A plurality of sound data (ie., multiple track data for sound)(col 1, line 67); and the currently amended portions of claim 7 dealing with a cluster that has a deficient amount of sound data, separately prepared cluster is reproduced rather than the cluster having the deficient amount of sound data (ie., a resynchronization media during streaming for multiple tracks with a time index of the program such that when the media stream is out

of synch when the current media time differs from the media time index of media of multiple tracks, then the server attempts to resynchronize the media tracks to a later time index from the new time index)(col 3, lines 25-37).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Duval to include a resynchronization media during streaming for multiple tracks as taught by Srikantan, providing the benefit of maintaining synchronization between tracks to that the appropriate media track is played (Srikantan, col 1, lines 50-55).

Regarding claim 15, Duvall teaches program is run on a computer (ie., editing station)(fig 3).

6-2) Claims 7, 8, 9, 10, 11, 13, 14, 16, 17, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al (US 6097557, filed Aug 1, 2000), in view of Srikantan (as cited above).

Regarding claim 7, 19, Inoue teaches a first storage device randomly accessible on a cluster-by-cluster basis, sound data being stored dividedly across a pluraiity of clusters in such a manner that the sound data amounting to a first data quantity or iess than

said first quantity are stored in each of the clusters (ie., data is written to disk in units corresponding to the number of clusters)(col 6,lines 2-26);

a second storage devlce that stores track data indicating reproduction order of a plurality of clusters to be sequentialiy reproduced and a particuiar quantity of

sound data to be reproduced for at least one of the plurality of clusters (ie., track data store from the first track to the last track on different disks)(col 7, lines 20-30)(data recorded sequentially)(col 8, line 17); and

a processor coupled with said first storage device and said second storage device, said processor being adapted to (ie., server, main controller)(fig 1, items 12, 13):

when the particular quantity of sound data indicated by the track data is less than a second data quantity in at ieast one of the ciusters, combine the sound data of the one cluster with the sound data of another cluster that precedes or follows the one cluster in the reproduction order (ie., sequential data string recorded. Continuously without interruptions by specifying redundant areas)(col 8, lines 5-37); and

preserve the combined sound data In a reproducing when the particular cluster separate from the at least one cluster, whereIn said second data quantlty is smaller than said first data quantity (ie., data rewriting occurs on a cluster basis sequentially)(col 6, lines 30-42).

Inoue does not expressly teach, but Srikantan teaches

A plurality of sound data (ie., multiple track data for sound)(col 1, line 67); and the currently amended portions of claim 7 dealing with a cluster that has a deficient amount of sound data, separately prepared cluster is reproduced rather than the cluster having the deficient amount of sound data (ie., a resynchronization media during streaming for multiple tracks with a time index of the program such that when the media stream is out of synch when the current media time differs from the media time index of media of multiple tracks, then the server attempts to resynchronize the media tracks to a later

time index from the new time index)(col 3, lines 25-37)(with a broad reasonable interpretation, examiner interprets clusters as equivalent to tracks as taught by Srikantan).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Inoue to include a resynchronization media during streaming for multiple tracks as taught by Srikantan, providing the benefit of maintaining synchronization between tracks to that the appropriate media track is played (Srikantan, col 1, lines 50-55).

Regarding claim 8. Inoue teaches wherein said processor Is further adapted to edit any one of a plurazity of clusters represented by the reproduction order, said plurality of clusters inciuding a ciuster where a data quantity of the sound data to be reproduced is smaller than said second data quantity (ie., data can be written on the optical in units corresponding to an integer number times of a cluster)(col 6, lines 6-30).

Regarding claim 9, Inoue teaches a first storage device randomly accessible on a cluster-by-cluster basis, sound data being stored dividedly across a plurality of clusters in such a manner that the sound data amounting to a first data quantity or less than

said first quantity are stored in each of the clusters (ie., data is written to disk in units corresponding to the number of clusters)(col 6,lines 2-26);

a second storage device that stores track data indicating reproduction order of a plurality of clusters to be sequentially reproduced and a particular quantity of

sound data to be reproduced for at least one of the plurality of clusters (ie., track data store from the first track to the last track on different disks)(col 7, lines 20-30)(data recorded sequentially)(col 8, line 17); and

a processor coupled with said first storage device and said second storage device said processor being adapted to (ie., server, main controller)(fig 1, items 12, 13):

read out and reproduce the sound data of the ciusters from said first storage device, in accordance with the track data stored in said second storage device and in

the reproduction order indicated by the track data (ie., sequential data string recorded. Continuously without interruptions by specifying redundant areas)(col 8, lines 5-37); and

when a reproducing cluster is prepared for a particuiar one of the pïuraiity of cïusters represented by the reproduction order and when the particuiar cluster is to be reproduced during reproduction of the pïurallty of clusters in the reproduction order, read out and reproduce the sound data from the reproducing cluster rather than from the particular cluster (ie., data recorded as a sequential data string and not recorded o the recording medium, but discretely and transiently storing read-out data in a memory during reproduction and by writing data in the memory)(col 8, lines 15-24).

Inoue does not expressly teach, but Srikantan teaches

A plurality of sound data (ie., multiple track data for sound)(col 1, line 67); and the currently amended portions of claim 7 dealing with a cluster that has a deficient amount of sound data, separately prepared cluster is reproduced rather than the cluster having the deficient amount of sound data (ie., a resynchronization media during streaming for multiple tracks with a time index of the program such that when the media stream is out

of synch when the current media time differs from the media time index of media of multiple tracks, then the server attempts to resynchronize the media tracks to a later time index from the new time index)(col 3, lines 25-37)(with a broad reasonable interpretation, examiner interprets clusters as equivalent to tracks as taught by Srikantan).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Inoue to include a resynchronization media during streaming for multiple tracks as taught by Srikantan, providing the benefit of maintaining synchronization between tracks to that the appropriate media track is played (Srikantan, col 1, lines 50-55).

Regarding claim 10, Inoue teaches wherein when a data quantity of the particular cluster is iess than said second data quantity the reproducing cluster is used to combine the sound data of the particuïar cïuster with the sound data of another cluster that precedes or succeeds the particuiar ciuster in the reproduction order indicated by the track data and then preserve the combined sound data, and wherein the reproducing ciuster Is a cluster separate from the particular cluster and said second data quantity is smaller than said first data quantity (ie., sequential data string is recorded onto optical disk or other media, data from start address of the slot reproduced to the next to the end address)(col 8, lines 1-20)(data is written on optical disk in units corresponding to an integer number of cluster and interleaving within the cluster)(col 6, lines 24-30)(examiner broadly interprets that clusters on various media are less in quantity prior to their recording).

Regarding claim 11, Inoue teaches wherein said processor is further adapted to edit any one of the plurality of clusters represented by the reproduction order, said plurality of ciusters inciuding the particuïar ciuster (ie., data written (thus edited) interleaving within clusters and rewriting made on the cluster basis)(col 6, lines 35-42; lines64-67).

Regarding claim 13, Inoue teaches a step of storing, in a first storage device randomly accessible on a cluster-by-cluster basis, sound data dividediy across a pluraiity of ciusters in such a manner that the sound data amounting to a first data quantity or

less than said first quantity are stored in each of the clusters (ie., data is written to disk in units corresponding to the number of clusters)(col 6,lines 2-26);

a step of storing, in a second storage device, track data indicating reproductlon order of a plurality of clusters to be sequentially reproduced and a particular quantity of sound data to be reproduced for at least one of the plurality of clusters (ie., track data store from the first track to the last track on different disks)(col 7, lines 20-30)(data recorded sequentially)(col 8, line 17);

a step of detecting if the particular quantity of sound data indicated by the track data is less than a second data quantity in at ïeast one of the ciusters, combining the sound data of the one ciuster with the sound data of another cluster that precedes or follows the one cluster in the reproduction order; and a step of preserving the combined sound data in a reproducing ciuster separate from the at least one ciuster, wherein said second data quantity is smaller than saidfirst data quantity (ie., sequential data string

recorded. Continuously without interruptions by specifying redundant areas)(col 8, lines 5-37).

Inoue does not expressly teach, but Srikantan teaches

A plurality of sound data (ie., multiple track data for sound)(col 1, line 67); and the currently amended portions of claim 1 dealing with track history data and reproduction timing of the designated partial sound data on the second storage device (ie., a resynchronization media during streaming for multiple tracks with a time index of the program such that when the media stream is out of synch when the current media time differs from the media time index of media of multiple tracks, then the server attempts to resynchronize the media tracks to a later time index from the new time index)(col 3, lines 25-37)(with a broad reasonable interpretation, Examiner considers audio metadata with sequence of time information for a track as equivalent to history of the track) (examiner broadly interprets that clusters on various media are less in quantity prior to their recording).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Inoue to include a resynchronization media during streaming for multiple tracks as taught by Srikantan, providing the benefit of maintaining synchronization between tracks to that the appropriate media track is played (Srikantan, col 1, lines 50-55).

Regarding claim 14, Inoue teaches a step of storing, In a first storage device randomiy accessible on a cluster-by-ciuster basis, sound data dividedly across a

piuraiity of ciusters in such a manner that the sound data amounting to a first data quantity or

less than said first quantity are stored in each of the ciusters (ie., data is written to disk in units corresponding to the number of clusters)(col 6,lines 2-26);

a step of storing, in a second storage device, track data indicating reproduction order of a piuraiity of clusters to be sequentiaily reproduced and a particular quantity of sound data to be reproduced for at least one of the pluraiity of clusters (ie., track data store from the first track to the last track on different disks)(col 7, lines 20-30)(data recorded sequentially)(col 8, line 17);

a step of reading out and reproducing the sound data of the clusters from said first storage device, in accordance with the track data stored in said second

storage device and in the reproduction order indicated by the track data (ie., sequential data string recorded. Continuously without interruptions by specifying redundant areas)(col 8, lines 5-37); and

step of, when a reproducing cluster is prepared for a particular one of the plurality of clusters represented by the reproduction order and when the particular cluster

is to be reproduced during reproduction of the plurality of clusters in the reproduction order, reading out and reproducing the sound data from the reproducing cluster rather than from the particular cluster (ie., data recorded as a sequential data string and not recorded o the recording medium, but discretely and transiently storing read-out data in a memory during reproduction and by writing data in the memory)(col 8, lines 15-24) .

Inoue does not expressly teach, but Srikantan teaches

A plurality of sound data (ie., multiple track data for sound)(col 1, line 67); and the currently amended portions of claim 1 dealing with track history data and reproduction timing of the designated partial sound data on the second storage device (ie., a resynchronization media during streaming for multiple tracks with a time index of the program such that when the media stream is out of synch when the current media time differs from the media time index of media of multiple tracks, then the server attempts to resynchronize the media tracks to a later time index from the new time index)(col 3, lines 25-37)(with a broad reasonable interpretation, Examiner considers audio metadata with sequence of time information for a track as equivalent to history of the track) (examiner broadly interprets that clusters on various media are less in quantity prior to their recording).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Inoue to include a resynchronization media during streaming for multiple tracks as taught by Srikantan, providing the benefit of maintaining synchronization between tracks to that the appropriate media track is played (Srikantan, col 1, lines 50-55).

Regarding claim 16, Inoue teaches program is run on a computer (ie., server, main controller, etc.)(Inoue, fig 1, items 11, 12).

Regarding claim 17, Inoue teaches program is run on a computer (ie., server, main controller, etc.)(Inoue, fig 1, items 11, 12).

6-3) Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duvall (as cited above), in view of Srikantan (as cited above), in view of Inoue et al (US 6097557, issued Aug 1, 2000).

Regarding claim 4, Duvall in view of Srikantan does not expressly teach, but Inoue teaches the information for managing the manner of reproduclng the partial sound ata, information defining one or more ranges of sound data that are to be used a use range of one or more partial sound data to be used in the track an dinformation indicative of respective reproductlon timing of the one or more partial sound data (ie., timing chart for command data between sound transfer unit and the recording unit when transferring)(col 16, lines 27-29).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Duvall in view of Srikantan to include a timing chart for command data between sound transfer unit and the recording unit when transferring as taught by Inoue, providing the benefit of efficient recording of sound data on the magneto-optical disc (Inoue, col 1, lines 60-63) and improving the utilization efficiency of the recording medium (Inoue, col 3, lines 20-30).

Regarding claim 5, Duvall in view of Srikantan does not expressly teach, but Inoue teaches the editing operation for editing the track data includes editing for changing the partlal audlo data, and wherein the editing for changing the partial sound data changes at least one of the information defining the use range of the partiaï sound data and the information indicative of the reproduction timing of the partial sound data

included in the track data (ie., timing chart for command data between sound transfer unit and the recording unit when transferring)(col 16, lines 27-29).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Duvall in view of Srikantan to include a timing chart for command data between sound transfer unit and the recording unit when transferring as taught by Inoue, providing the benefit of efficient recording of sound data on the magneto-optical disc (Inoue, col 1, lines 60-63) and improving the utilization efficiency of the recording medium (Inoue, col 3, lines 20-30).

Response to Arguments

Applicant's arguments, for rejection under 35 USC 102 and 103, with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection. The Examiner tried to deciphered the amendments and rejected the newly added limitations with the addition of the Srikantan reference that better teaches rescynchronization of streaming audio track data and with a media stream at a later time index (see above rejection for details). The limitations that the Applicant argues are not taught by the references are the currently amended limitation. Please refer to the rejection of these limitation for detail of the rejection with the new reference, Srikantan.

Applicant's arguments filed 12 - 14 have been fully considered but they are not persuasive because the claims do not reflect a structure to perform the functions claimed. Examiner considered that applicant recite a computer in the arguments (page

16, line 3), however, the Examiner suggests reflecting such hardware structure in the claims themselves.

Applicant requests (on page 13), for claims 2-6, that Examiner provide evidence to support Official Notice that the undo operation was well known in the art at the time of the invention. The Ichimura reference (5894306, issued on 4/13/99) teaches a data record/playback device (which examiner interprets as an editor) displaying consecutive data and user input in association with each other which performs an UNDO operation on display screen (col 35, line 44).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gautam Sain whose telephone number is 571-272-4096. The examiner can normally be reached on M-F 9-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

G. S.
GS

William L. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER
7/21/2005